



SuR: Sri Lanka

42nd session of the Submission to the Universal Periodic Review

Situation of LGBTI+ persons in Sri Lanka

Joint NGO Submission to the Universal Periodic Review

by

Équité Sri Lanka, Bridge for Equality, Rajarata Gemi Pahana

Joint Submission Partners

- Équité Sri Lanka (est. 2019) works on both National level and Grassroots level networking and advocacy in Policy level, Legal level, CSO and Media towards ensuring SOGIESC Rights within Sri Lanka.
Contact Person: Thushara Manoj- Chairman, Équité Sri Lanka
Email: Équité.srilanka2019@gmail.com
- Bridge for Equality (est. 2019) advocate to promote and protect human rights of LGBTQ communities by addressing human rights violations faced by LGBTQ community members and supporting to seek redress.
Contact Person: Niluka Perera – Focal Point, Bridge to Equality
Email: <mailto:nikukaperera13@protonmail.com>
- Rajarata Gemi Pahana (est. 1998) focuses on providing awareness-raising services for HIV and AIDS prevention, as well as and support services to women, youth, differently able people and career guidance to LGBTI+ individuals within Sri Lanka.
Contact Person: Palitha Liyanawadu - Executive Director, Rajarata Gemi Pahana
Email: rajarata.rgp@gmail.com

Contents

1. Introduction	4
2. Methodology	4
3. International Commitments and previous reviews	4
4. Legal and policy context	6
5. Arbitrary Arrests and detention and inhuman, degrading treatment by the Police	7
6. Domestic violence and homelessness	9
7. Stigma and discrimination at the health settings	10
8. Discrimination and harassment at educational institutions	13
9. Discrimination by other government officials	13
10. Discrimination at job interviews and workplaces	14
11. Political homophobia	15
12. Issues relating to media ethics on reporting LGBTI+ issues	16
13. Reprisals faced by LGBTI+ HRDs	16
14. Freedom of Expression	17
15. Recommendations	19
16. Annexes on Cases	21

*Sinhala and Tamil Translations of the Report is attached.

1. Introduction

This submission is made by the Coalition of Civil Society Organizations with Équité Sri Lanka covering the situation of the LGBTI+ community within the country. Within the contemporary political context of the country, the Rights of the people have been challenged and violated immensely and the conditions at present do not facilitate safe living conditions within the country. Hence as a marginalized community, the Rights of the LGBTI+ community are being challenged in many layers within the socio-economic and political conditions of the LGBTI+ community.

2. Methodology

In preparation for this report, Équité Sri Lanka conducted district-level consultations with total of 125 LGBTI+ persons around the country during March- June 2022.

The participants for consultations were mostly selected through the existing network of organizations in making this submission. These consultations discussed rights violations faced by LGBTI+ individuals after the year 2018, focusing on the period of the current UPR cycle. These consultations covered five thematic areas

- domestic violence,
- workers' rights,
- Law and justice and access to legal services,
- Access to physical, mental and sexual health-related services, and
- Freedom of expression, assembly and Association, other rights and concerns of LGBTI+ persons.

In addition, Bridge for Equality and Rajarata Gemi Pahana have contributed with cases which have been collected on an organizational level. Also, various media reports, documented case studies and published reports are used in the preparation of this report. A list of case studies used in the preparation of this report is attached as an annexure.

3. International Commitments and previous reviews

- 3.1. In the UPR review meeting held in November 2017, Sri Lanka noted that the general right to equality and non-discrimination, reflected in the constitution, implicitly included non-discrimination on the grounds of sexual orientation, and also stated that they intend to provide an explicit guarantee of non-discrimination on the grounds of sexual orientation through the new constitutional reform process which was then ongoing. (A/HRC/37/17, para 82). The implicit guarantee of the non-discrimination based on sexual orientation, and gender identity by the constitution has been made at multiple international forums since 2014 (for example see, section 'Non-Discrimination' under ICCPR concluding observations in 2014)¹. However we notice a continuing pattern of

¹<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsrw%2B3KEAFqUx9WCYsjqQZ0KRa6xm48AXwgE4ZiJutO%2F%2FqDB2usGzDH8jCdGApre8%2BLTMQ5BrT3AtTU7ib4rlc8vovg2n4JopHu24uYZPrQ8i>

violations against LGBTI+ individuals which the state has not taken any concrete actions to address over the years.

- 3.2. In the last cycle of UPR, (1) prevent and combat all kind of discrimination, in particular those on the grounds of ethnicity and sexual orientation (Italy), and (2) Ensure respect for the rights and fundamental freedoms of lesbian, gay, bisexual, transgender and intersex persons, by investigating and sanctioning acts of discrimination and violence against such persons (Argentina) were the only two recommendations concerning LGBTI+ community that were supported by the Sri Lankan government. (A/HRC/37/17 - Para. 116)
- 3.3. All the recommendations on decriminalization of same-sex consensual relationships or related penal code amendments were noted by the Sri Lankan government. (Honduras, Netherlands, Brazil, Canada, Sweden, Uruguay, Australia A/HRC/37/17 - Para. 117)
- 3.4. The recommendation made by the Honduras which was noted by the Sri Lanka government also contained a proposal to adopt all necessary measures to combat discrimination and violence based on sexual orientation or gender identity, and guarantee access of lesbian, gay, bisexual, transgender and intersex people to health services. (A/HRC/37/17 - Para. 117)
- 3.5. In March 2017, the Concluding observations on the eighth periodic report of Sri Lanka of CEDAW also refers to the state party's proposal of the subcommittee on fundamental rights of the Constitutional Assembly to specifically include sexual orientation and gender identity as a ground for non-discrimination in the new constitution. (CEDAW/C/LKA/CO/8, para 10).
- 3.6. Much promised new constitution that was expected to include an explicit guarantee of non-discrimination on the grounds of sexual orientation and gender identity (A/HRC/WG.6/28/LKA/1, para 14, para 33, para 137) failed to become a reality as the constitutional reform process was not continued by the current government of Sri Lanka appointed in 2020.

4. Legal and policy context

- 4.1. In Sri Lanka, same sex relationships are criminalized under colonial origin sodomy laws especially under the Penal code introduced by the British in 1883. The penal code provisions section 365, 365A and vagrancy ordinance of 1841 criminalizes consenting same-sex sexual relationships between adults. Penal code section 399: cheating by impersonation has been often used to arbitrarily arrest and detain transgender persons and cross dressers. Special laws relating to the military are also used to prosecute LGBTI+ persons serving in the military.
- 4.2. Limited scope of fundamental rights law within the Sri Lankan constitution discriminatively impact on the LGBTI+ persons. Article 16 in Sri Lankan constitution² does not permit filing fundamental rights petitions against the existing laws, even at a violation of fundamental rights or other constitutional provisions. Also fundamental rights petitions could be only filed against infringement of rights by administrative and executive actions, preventing filing fundamental rights petitions against private parties.
- 4.3. In October 2020, the Ministry of Youth and Sports led committee appointed a committee to look into proposals on Penal Code reforms in Sri Lanka. The proposed penal code reforms are expected to cover a range of laws concerning sexual offenses³, including laws impact LGBTI+ individuals. The proposed amendments suggested to decriminalize same sex relationships in private spaces, while permitting criminalization of sexual activities in public spaces. Such amendments would not address majority of the current prosecutions under alleged sexual activities in public spaces, would discriminatively impact LGBTI+ individuals in cruising areas, and unable to afford for private hotels or rooms.
- 4.4. In December 2021, Colombo Chief magistrate dismissed a case filed against three gay men who have been arrested in June 2020, when Narahenpita (Colombo) Police raided a private hotel. They have been accused of alleged same-sex conduct amid having engaged in any sexual activity at the time of arrest. They have been subjected to Police torture and to forced anal examinations by Judicial Medical Officers (JMOs) after being arrested. The dismissal of Case No. 34131/3/20, was based on a letter by the Attorney General informing the Police that the Attorney General will not pursue the case⁴.

² Article 16 (1). All existing written law and unwritten law shall be valid and operative notwithstanding any inconsistency with the preceding provisions of this (Fundamental Rights) Chapter.

³ [HTTPS://WWW.DAILYMIRROR.LK/NEWS-FEATURES/MINISTRY-OF-YOUTH-AND-SPORTS-LED-COMMITTEE-MEETS-TO-FINALISE-PENAL-CODE-REFORMS/131-205165](https://www.dailymirror.lk/news-features/ministry-of-youth-and-sports-led-committee-meets-to-finalise-penal-code-reforms/131-205165)

⁴ [HTTPS://WWW.DAILYMIRROR.LK/BREAKING_NEWS/COLOMBO-CHIEF-MAGISTRATE-DISMISSSES-CASE-AGAINST-THREE-GAY-MEN-FOR-HOMOSEXUALITY/108-226559](https://www.dailymirror.lk/breaking_news/colombo-chief-magistrate-dismisses-case-against-three-gay-men-for-homosexuality/108-226559)

5. Arbitrary Arrests and detention and inhuman, degrading treatment by the Police

- 5.1. A number of incidents of arbitrary arrests and detention were reported by community members at the community consultations organized by Équité Sri Lanka and a few were reported in the media. However, in most of the cases, no formal complaints have been made regarding these incidents due to fear of reprisals.
- 5.1.1. In June 2022, an Indian and a Sri Lankan lesbian couple who have been planning to move to India were arrested, after the Sri Lankan woman's family members complained to the Police regarding their same-sex relationship. They were produced before the Akkaraipattu Magistrate who ordered the two women to be examined by a psychiatrist and a report of psychiatric evaluation be prepared on them⁵.
- 5.1.2. In the Gampaha district consultation, five transgender crossdressers who work as sex workers stated that they have been arrested by the Police at multiple occasions and detained under false accusations, and subjected them to various mistreatments. They mentioned that there were instances that they were forced to have sex with the Police and their money and mobile phones were seized by the Police. They further alleged that they were forced to be naked at the Police station in front of everyone, to check whether they are male or female and often subjected to inhuman, degrading treatment.
- 5.1.3. In November 2021, when a group of six transgender individuals were on Trincomalee beach around 6.30pm in the evening, Police officers who came patrolling in the area in Jeep have detained them for 3 hours due to their gender expression and perceived sexual orientation as they wore lipstick and makeups. The Police have accused them of engaging in soliciting and have been asked to entertain the Police officers with music and dance, subjecting them to inhuman, and degrading treatment.
- 5.1.4. On 17th May 2020, a gay man in Gampaha has been arrested at the Siyambalape walking path by the Police on a false charge according to the victim. He has been allegedly sexually abused and publicly humiliated by the Police for being 'homosexual.'
- 5.1.5. On 18th March 2022, a trans woman from Polonnaruwa was arrested by Police in front of Marina Mall in Colombo for having a condom in possession. She has been put to the male remand cell, and when she had asked to put into the female cell, the Police have checked her sexual organs, and humiliated and insulted for her gender identity and expression.

⁵ [HTTPS://WWW.TIMESNOWNEWS.COM/MIRROR-NOW/IN-FOCUS/SRI-LANKA-INDO-LANKAN-LESBIAN-LOVERS-ARRESTED-FOR-HAVING-ABNORMAL-RELATIONSHIP-THREATEN-TO-KILL-SELF-IF-NOT-ALLOWED-TO-GO-INDIA-ARTICLE-92481995](https://www.timesnownews.com/mirror-now/in-focus/sri-lanka-indo-lankan-lesbian-lovers-arrested-for-having-abnormal-relationship-threaten-to-kill-self-if-not-allowed-to-go-india-article-92481995)

- 5.2. Though similar arrests and maltreatment by the Police is quite common, LGBTI+ community members often do not make complaints to the legal bodies regarding the violations they face, due to fears that they would face reprisals. Criminalization of homosexuality, and homophobic attitudes of the law enforcing officers are among major reasons behind such lack of interest in making complaints.
- 5.3. Also we were informed that complaints made by the LGBTI+ persons regarding the violations they faced have not been accepted by the Police with regards to other incidents.
- 5.3.1. In the consultation held in Gampaha district, some transgender sex workers alleged the Police for planting evidence by putting drugs and explained that they are afraid of taking legal actions due to such harassments they have to face.
- 5.3.2. Long court delays, and inability afford the legal costs is another reason that most underprivileged groups such as sex workers do not seek justice against the daily violations of rights they face from the law enforcement. As also noted above, non-recognition of gender diversity in prison and remand settings also lead to further violations of LGBTI+ persons who are getting arrested.
- 5.3.3. Subjecting LGBTI+ persons into forced medical tests after being arrested based on their SOGIE violates their fundamental rights and dignity.
- 5.3.3.1. In October 2020, Equal Ground and Human Rights Watch published a report revealing that Sri Lankan authorities have subjected at least seven people to forced physical examinations since 2017 in an attempt to provide proof of homosexual conduct. These exams included forced anal examinations and a forced vaginal examination⁶. As a response, the Justice Minister issuing a statement saying that it is a “disturbing revelation” that must be immediately looked into and he also said that he “strongly believes that no person should be discriminated against or made to suffer any form of abuse, indignity or injustice on the basis of their gender, sexual preference or identity.”⁷
- 5.3.3.2. In other cases, LGBTI+ individuals have been forced to undergo psychiatric evaluations due to their SOGIE.

⁶ <https://www.hrw.org/news/2020/10/20/sri-lanka-forced-anal-exams-homosexuality-prosecutions>

⁷ https://www.dailymirror.lk/breaking_news/Forced-anal-probe-on-LGBT-people-Justice-Minister-disturbed/108-198954

6. Domestic violence and homelessness

- 6.1. While most of the laws do not recognize same-sex relationships, Prevention of Domestic Violence Act No 34 of 2005 recognizes ‘co-habiting partners’ using a gender neutral language. However, we could not find any instances where same-sex partners have taken legal actions using Prevention of Domestic Violence Act despite of many experiences of domestic violence from their family members.
- 6.1.1. Within every consultation, the participants revealed that the LGBTI+ community members are often subjected to domestic violence by their parents and other family members due to their SOGIE. In addition to violence and abuse, they have also been prevented from engaging with community work, pursuing their career and educational opportunities.
- 6.1.1.1. In the consultation held in Gampaha, five participants detailed specific incidents of physical, mental and verbal harassments, discrimination and stigma that they experienced from family members. One participant has been forced to leave the parental home by his parents due to his SOGIE, while four others had left their home due to harassment they experienced from family members. Two of them have been physically assaulted by their siblings. They have been also told that they would be disinherited from any parental property, asked to leave their homes and even threatened not to come to the area where family members are living. They have not made any complaints to the Police on the violence they had faced, due to two reasons mainly (1) their unawareness of the existing legal redress, (2) fear of reprisals from law enforcing authorities.
- 6.1.1.2. In May 2022, a 22 years old lesbian woman was forcefully detained at a room in a house by family members after she came out to the family. She had been forced to undergo conversion therapies, and not allowed to leave the house or to attend her job. Subsequently she made a complaint at the Welisara Mahabage Police station in Gampaha district through a friend. However, Police have encouraged the family members to detain her further and make a complaint at the Police station claiming homosexuality is a mental illness, with the expectation of filing a legal case against her. However, she has been released from detention with the intervention of HRCSL⁸.
- 6.1.1.3. Another young gay man in Kegalle, experienced various insults, and humiliation from relatives after his coming out to the family. As a result, he has distanced himself from his family and has left home. Another young gay man in Kegalle after his family finding out about his affair with another man was subjected psychological, emotional and verbal abuse and was forced to leave the country.

⁸ <https://sinhala.lankanewsweb.net/05/09/16267/>

- 6.1.1.4. In another case a transwoman in Kegalle has been prevented from attending counselling sessions before applying to the GRC. She has been even prevented from participating in any LGBTI+ community related work.
- 6.1.1.5. In October 2019, the family members of a transwoman in Batticaloa prevented her from attending a beautician training, when she had continued the course for one month, destroyed her make-up equipment and subjected to psychological and emotional abuse for around one year.

7. Stigma and discrimination at the health settings

- 7.1. In July 2021, Ama Dissanayake a counsellor who conducted a training for Police officers in Kandy made a controversial homophobic statement⁹ equating homosexuality with same sex pedophilia. The video of the training session was published in her YouTube channel¹⁰ and shared on other social media platforms. She also promotes and conducts conversion therapy for LGBTI+ persons. In response to this incident, LGBTI+ activists made complaints to the Human Rights Commission of Sri Lanka (HRCSL)¹¹ and also filed a Writ Petition at the Court of Appeal¹². In September, HRCSL issued an order to the Inspector General of Police (IGP) to respond within 14 days¹³. However, the outcome of the HRCSL investigation is yet not publicized. In November, a group of 10 LGBTI+ and civil society activists filed a writ petition at the Court of Appeal requesting an order prohibiting Police from conducting training, lectures, seminars, etc. that marginalize and violate the fundamental rights of LGBTI+ people in Sri Lanka¹⁴ for allegedly violating the rights of and discriminating against the LGBTI+ community in Sri Lanka¹⁵.
- 7.2. In 2016, Ministry of Health (MoH) issued a circular on issuing the Gender recognition certificate (GRC) to transgender persons undergoing or completed gender transition process, formalizing the process of changing legal documents from assigned sex to their gender identity¹⁶. As the process only recognizes the binary identities of man, and woman, persons of non-binary identities have been excluded from it. Despite the gender recognition certificate having reduced a lot of difficulties faced by the transgender community in changing their legal documents according to their gender identity, still they face discrimination, and stigma in the hands of state officials and bureaucracy, who are not often aware of the gender recognition certificate and its process.

⁹ <https://www.themorning.lk/lgbt-discrimination-by-sri-lanka-police-violation-of-their-own-laws-in-training/>

¹⁰ <https://youtu.be/SLJVEsO6syo?t=3619>

¹¹ <https://www.news19.lk/homophobic-police-training-in-kandy-hrcsl-gives-igp-14-days-to-respond/>

¹² <https://www.ft.lk/news/Court-of-Appeal-allows-Equal-Ground-others-to-serve-notice-to-Police-Ama-Dissanayake-over-homophobic-training/56-726059>

¹³ <https://www.news19.lk/homophobic-police-training-in-kandy-hrcsl-gives-igp-14-days-to-respond/>

¹⁴ https://www.dailymirror.lk/print/front_page/Civil-society-activists-seeks-Courts-intervention-against-Alleged-discrimination-of-LGBTIQ-community-by-police/238-224749

¹⁵ <https://www.equal-ground.org/breaking-news-court-of-appeal-grants-leave-to-proceed-with-equal-grounds-writ-petition-against-police-ama-dissanayake-over-homophobia-and-dis/>

¹⁶ <http://www.health.gov.lk/CMS/cmsmoh1/viewcircular.php?cno=01-34/2016&med=english>

- 7.3. GRC process was largely an outcome of the intervention of the thematic sub-committee on LGBTI+ persons at the HRCSL¹⁷. It was unfortunate that the sub-committee has currently discontinued its operations.^{18 19 20}
- 7.4. In the community consultations, LGBTI+ community members provided a number of instances in which they have encountered violations of their rights including breach of confidentiality, verbal and psychological abuse by medical staff, not recognizing one's gender identity when admitting to the wards, and other forms of discrimination, harassment and stigma at medical settings, while accessing health services. Such discrimination and abuse at health settings may limit, exclude or prevent them from accessing health services, could result discrimination or discourage them from accessing health services.
- 7.4.1. There were incidents in which medical doctors have influenced parents of transgender persons not to support their gender transition process. Such advice coming from medical professionals have turned supportive families into more abusive environments.
- 7.4.1.1. When a transgender woman in Batticaloa has been to Batticaloa Government hospital to receive her hormone therapy in November 2021, the medical doctor had asked her to accompany her parents on the next day. When she visited the hospital on the next day with her parents, the medical doctor had advised them that she was having a mental illness, and had asked not to allow her to act according to her own wishes. As a consequence, the previously much supportive family has stopped supporting her and started harassing her.
- 7.4.1.2. A 27 year trans woman also from Batticaloa has experienced another similar incident at the Jaffna teaching hospital. On 20th March 2020, the consultant endocrinologist had scolded her father for giving permission to undergo the gender transitioning process.
- 7.4.2. There were also other incidents in which doctors and medical staff have verbally abused and discriminated against LGBTI+ persons.
- 7.4.2.1. A trans woman from Battialoa said that on 27th January 2020, a venerologist at the sexual health clinic at a government hospital had verbally abused her saying "you faggot you will get HIV if you continue to be a homosexual."

¹⁷ https://www.hrcsl.lk/thematic_sub_com/rights-of-lgbtqi-persons/

¹⁸ <https://www.hrcsl.lk/about/members-of-the-commission/>

¹⁹ <https://www.hrcsl.lk/new-chairperson-and-commissioners-to-the-human-rights-commission-of-sri-lanka/>

²⁰ [HTTPS://SRILANKABRIEF.ORG/SRI-LANKA-HUMAN-RIGHTS-COMMISSION-DOWNGRADED-BY-UN-BODY-THE-GLOBAL-ALLIANCE-OF-NATIONAL-HUMAN-RIGHTS-INSTITUTIONS/](https://srilankabrief.org/sri-lanka-human-rights-commission-downgraded-by-un-body-the-global-alliance-of-national-human-rights-institutions/)

- 7.4.2.2. In another incident at a government hospital in Colombo, a head nurse had not allowed any visitors to visit a transgender person who had undergone a gender transition surgery, as she thought the surgery was unnecessary. She has also denounced and humiliated the transgender person in front of other medical staff for doing an ‘unnecessary surgery’.
- 7.4.2.3. In another incident, a consultant psychiatrist has allegedly accused a transgender person for being ‘mentally sick, a fraud, a criminal’ when they had gone there to get documents relating to GRC. They have also been asked unnecessary personal questions that do not relate to her transition process such as her bloodline and her character.
- 7.4.3. The participants of consultation also made allegations of breaching their confidentiality, by revealing their identity and medical information with the external parties.
- 7.4.3.1. In one instance, a staff member of Chilaw Sexually Transmitted Infections (STI) Clinic had shared identifying details of Males who have sex with other males (MSM) with external parties.
- 7.4.3.2. In another incident, a staff member of Rajarata Gemi Pahana - an LGBTI+ rights CSO in Anuradhapura which provides community outreach services on sexual health has faced breach of confidentiality, when a medical doctor has informed the hospital staff, that the patient had visited STD clinic on the previous day on 5th February, 2021 hinting that medical precautions should be taken as he could be having an STI, even though his visit was actually relating to some office work.
- 7.5. Non-recognition of gender identity different from assigned sex was another issue experienced by the transgender persons.
- 7.5.1. A trans woman aged 26 years in Trincomalee was forced to admit to the male ward when she received resident treatment at the Trincomalee government hospital from 20th to 25th November 2021. Her request to be admitted to the female ward has been ignored by the medical doctor. She had also faced a sexual harassment at the hospital bathroom, when an unknown man had sexually harassed her by hugging her from behind. There has been nobody to help her or to listen to her, when had shouted aloud and came running outside. As the ward was overcrowded she was forced to share her bed with another male which she found much uncomfortable and violating her privacy and human dignity.

8. Discrimination and harassment at educational institutions

- 8.1. Young adults who participated in the consultations mentioned of few incidents of physical, emotional and psychological abuse they faced at their schools after their SOGIE or love affairs with same-sex persons were learnt by the school teachers or administration. Since it is a taboo subject to discuss sexuality of school age children, most of the violations they face might not be reported to the LGBTI+ organizations.
- 8.1.1. In 2020, a young gay man, a student studying Advanced Level Examination in 2022 at the St. Mary's college in Kegalle has been subjected to disciplinary inquiry, verbal harassment, emotional abuse and threats demanding to quit the school after he came out during the school age and published several write ups about the LGBTI+ issues in Social media. Since education has been now shifted into online space now, this issue remains dragging on for more than two years without a settlement.
- 8.1.2. Three transgender persons in Kegalle currently aged 23-26 years, told that they had been verbally harassed while schooling specifically due to their appearances. Two of them had been told by the teachers "You won't get the lower one (sexual organ), by behaving like this" with a humiliating tone. They have been labeled as bad students and teachers have not allowed them to associate with any other students.

9. Discrimination by other government officials

9.1. Discrimination and violence from the Police:

- 9.1.1. There were multiple incidents in which Police officers have refused accepting complaints made by transgender persons regarding the violations and abuses they have faced from others. Also they have faced verbal abuse from the Police officers.
- 9.1.2. In one incident, a Police officer at the Police Station in Karaitivu, Ampara district, belonging to Eastern Province, Police had first refused to accept a complaint regarding a physical assault faced by a transgender person, on the basis that she should provide the residential addresses of the alleged perpetrators. When the victim managed to find the residential addresses of the alleged perpetrators, the Police asked to reach an amicable settlement and asked her to forgive them.
- 9.1.3. On 4th October, 2021, a transgender person in Galle has been scolded by a Police officer's asking her not to bring "faggot cases", he has advised her just to change the way that she dresses, and to behave like a man. On 22nd March, a Police officer who had visited to settle a dispute between a neighbour and a transwoman in Gamapha, has verbally abused the transgender woman focusing on her attire and outer appearance and humiliated her and name called her with abusive terms.

9.2. Discrimination from other government officials

- 9.2.1. There are number of incidents that transgender persons applying for Gender Recognition Certificate (GRC) have been subjected to various delays as the relevant officers are unaware of the GRC process and also due to discriminatory attitudes and ignorance of the state officials.
- 9.2.2. In January 2021, when a transgender woman has been to meet the Grama Niladari (the village officer) to apply for the GRC, the officer has refused to provide a letter confirming her gender identity that is different from the assigned sex. When she had shown the medical reports and other supporting documents, he still had refused the request claiming that the Divisional Secretary had not advised him on such a procedure.

10. Discrimination at job interviews and workplaces

10.1. Discrimination at job interviews:

- 10.1.1. Discrimination at job interviews is one of the common problems faced by many LGBTI+ persons. Transgender persons and whose gender expression is different from the assigned sex have been more vulnerable to such experiences.
 - 10.1.2. A young gay man in Kegalle with a feminine gender expression had been asked questions about why he walks and talks in such a way by the interviewer. He believes that he was not selected for the job opportunity because of his gender expression.
 - 10.1.3. A similar incident was reported from Puttalm district, where a gay man with a feminine gender expression has been harassed by the job interviewers questioning about his voice, the manner he walks and behaves. He also said that he was refused the job opportunity because of his gender expression.
 - 10.1.4. In another case, another male to female transgender person in Gampaha district has been humiliated by the job interviewers when she went to job interview at a coconut fertilizer company. She has been asked whether she could do the things that men could do.
- 10.2. Toilet discrimination: Many transgender persons experience face difficulties in using toilets in public spaces and workplaces as they are generally categorized as either male or female. Many transgender persons have faced issues when selecting toilets according to their gender identity.

- 10.3. Other harassments at workplaces: LGBTI+ persons have been subjected verbal, emotional and other forms of abuse and discrimination, breach of privacy, and loss of job opportunities due to SOGIE at the workplaces.
- 10.3.1. A gay man with feminine gender expression working at a Jewelry shop in Puttalam gets regularly humiliated, and is subjected to physical, verbal and mental abuse because of his gender expression. However, he continues the job, as he is unable to find another job due to the current economic crisis in the country.
- 10.3.2. In another case in Anuradhapura in Central Province, a work colleague of young gay man whose mobile phone was accessed, released a recording of a video phone call into social media that the latter had made with his partner. After the video was seen by other colleagues in his workplace and relatives, he has been subjected to humiliation, verbal harassment, and emotional abuse. Based on complaints made by them to the management of the workplace, he has been sacked from his job, considering he has been a shame, or an insult to the name of the workplace.
- 10.3.3. In Trincomalee of the Eastern Province, a 24-year-old (FTM) transgender man who had published Facebook posts saying that they would like to help fellow LGBTI+ members have been subjected to verbal and emotional abuse by the workplace colleagues.

11. Political homophobia

- 11.1. Homophobic and transphobic statements made by politicians that were quite rampant in the past, have now seemingly reduced in the context of Sri Lanka's economic crisis in 2022. Homophobic statements made by the former President Sirisena against the PM Wickramasinghe and bragging about removal of LGBTI+ demands from the National Human Rights action plan became quite well known. In the context of Sri Lanka's General election held in year 2020, then election candidate Wijedasa Rajapakse (current Minister) published an election pamphlet claiming that he did not allow to pass an act titled "homosexual Act" as it is against the culture of the country. Also another election candidate, Medical Doctor Kavinda Jayawardena also made a homophobic statement at a television interview claiming that homosexuality is a mental illness²¹. President Rajapakse's brother Mahinda Rajapakse and other politicians also made fun at the main Opposition candidate for not having children²².

²¹ <https://www.ucanews.com/news/sri-lankan-poll-candidate-under-fire-for-homophobic-remarks/88986>

²² <https://economynext.com/womens-activists-demand-mahinda-apologise-to-jalani-over-remark-over-childless-women-72334/>

12. Issues relating to media ethics on reporting LGBTI+ issues

12.1. There are numerous instances where LGBTI+ issues have been reported in sensationalized, and moralized language. Such media reporting has often created stereotypical attitudes towards LGBTI+ individuals and also caused various issues into their personal lives. According to Media Ownership Monitor in Sri Lanka, 54.8% of television audience, 45.59% of radio audience, and 79.4% of newspaper audience is controlled by a specific political party, politician or political grouping, or by an owner with specific political affiliation²³. Media ethics on reporting on issues related to gender and sexuality have not been well developed among the journalists and media communities, in a context that media communities resist the government's attempts to bring any regulatory framework, and advocating for a self-regulatory mechanism. Though LGBTI+ community has long advocated against the conversion therapy advertisements, some newspapers still publish such advertisement which promises to "correct same-sex sexual attraction or behavior".

13. Reprisals faced by LGBTI+ HRDs

13.1. LGBTI+ HRDs have faced threats, intimidation, frequent Police visits to office, surveillance, and inquiries by Police, threats from religious groups, difficulties to rent office spaces and other challenges.

13.1.1. On the 18th of March 2018, the office premises in Galle district belonging to an CSO working on HIV/AIDS prevention and LGBTI+ rights was forcefully opened and entered by villagers in the presence of police and media in the absence of its staff. Two persons in the network of the NGO who inquired what was happening, were attacked by the villagers in front of the police and media, in the presence of Police officials.^{24 25}

13.1.2. Raja Rata Gami Pahana another regional CSO which works with sex workers and the LGBTI+ community within the North Central Province faced multiple reprisals and challenges due to their work.

13.1.3. They have found it extremely difficult to rent an office space as the landlords were not comfortable renting the spaces for an organization that works with LGBTI+ community and sex workers.

13.1.4. Their staff has been verbally harassed by the locals for working at their organization.

13.1.5. After the locals have lodged multiple complaints against the organization for allegedly "facilitating prostitution and spreading homosexuality," Police have

²³ <http://sri-lanka.mom-gmr.org/en/findings/findings/#!1b8d4b8675e576d13f6353ba0afc8092>

²⁴ <https://youtu.be/rPgX1ZWQ3LQ?t=761>

²⁵ <https://www.inform.lk/wp-content/uploads/2019/03/2018-march-english-repression-of-dissent-in-sl-in-jan-march2018.pdf>

frequently visited, questioned staff members and conducted multiple inquiries regarding the organization.

13.1.6. In April 2022, an intelligence officer who is attached to the Army had detained two of their staff members who were providing condoms to the sex workers at hotspot in Anuradhapura town. The officer had verbally abused the staff members, and refused to answer the phone calls given the organizational director, while attempting to take them forcefully to the Police station, when the organization had been able to get the intervention of the Human Rights Commission to get them released. The incident has been documented at the Regional office of Human Rights Commission of Sri Lanka in Anuradhapura.

13.2. In some cases, activists were subjected to hate speech and abusive comments online.

13.2.1. Rajarata Gemi Pahana was subjected to online vilification and targeted fake news campaigns by a religious group.

13.2.2. Anitha, a 61-year-old transgender activist in Gurunagar, Jaffna who was involved in organizing the Jaffna Queer Festival in 2021 was subjected to many abusive comments in various social media groups after a website published an article claiming that organizing the Jaffna queer festival in parallel to the Maaveerar Naal (Remembrance festival for fallen Tamil rebels) was culturally inappropriate²⁶. As this news became viral, she has faced a lot of difficulties from friends, and family members.²⁷

13.2.3. In June 2022, a young activist who was involved in organizing the Pride March in Colombo was subjected to online hate speech and vilification.

14. Freedom of Expression

14.1. Writer Shakthika Sathkumara arrested in April 2019 was detained for more than 4 months until he was released on bail in August 2019²⁸ for writing a story that hints a same-sex relationship between two Buddhist monks. Sathkumara was charged with allegedly inciting religious hatred under the ICCPR Act 2007. His arrest indicates the restrictions of freedom of expression exists for artists, literary writers and activists in speaking or writing about same-sex relationships especially in the context of religion.

14.2. In several cases, people were arrested for alleged public indecency for publishing a semi-nude photo, for running a porn fan page, and producing a pornography video. In 2018

²⁶ http://www.tamilkingdom.com/2021/11/234_0845566174.html?m=1

²⁷ Jaffna District consultation meeting

²⁸ <https://www.ft.lk/News/Writer-Shakthika-released-on-bail/56-683408>

two school age youths were arrested for posing a semi naked photo taken at Pidurangala rock, where a Buddhist temple is also located based on a complaint made by the Buddhist monk, for exposing their naked buttocks. In September 2020, a Police constable was arrested for maintaining an 'indecent' facebook page for MILF porn fans. In October 2021, a couple were arrested for making outdoor pornography video nearby a waterfall. After the porn video became viral, Police arrested a heterosexual couple who made the video. Court ordered a fine and suspended sentence against the couple. Though these incident does not involve any same-sex conduct, there is a probability that similar charges may be brought against LGBTI+ individuals. Also we note that there are many instances of videos that were made for personal use between intimate partners having been non-consensually published in porn websites, while the existing legal framework does not differentiate between consensual and non-consensual porn.

15. Recommendations

- 15.1. The government should repeal Article 16 of the constitution and allow the filing of fundamental rights petitions when existing law contravenes with the Fundamental Rights chapter in the constitution.
- 15.2. The government should allow filing Fundamental Rights petitions against the violations of human rights which are conducted by private parties who are offering public services (hotels, public transport, educational institutions, religious institutions, workplaces etc.)
- 15.3. The government should repeal section 365 and 365A of the penal code, and specific sections of other laws that criminalizes homosexuality including in the vagrancy ordinance, Air Force Act and Army Act.
- 15.4. The government should enforce that Rape, and non-consensual sex of males should be recognized under the common legal sections concerning rape, and sexual offences.
- 15.5. Department of Registration should take actions to regulate uniformity in Gender Recognition Certificate issuance procedure.
- 15.6. The Ministry of Health should introduce a national regulating body to deploy and overview uniformity in counselling services. The conditions of these services/service providers must ensure SOGIESC Rights.
- 15.7. The Ministry of Health should introduce a regulating body to deploy and overlook the uniformity in providing services to transgender persons specially in issuance of medication required for transitional process (hormones) and gender reassignment surgeries ensuring their accessibility and affordability.
- 15.8. The government should enforce the Trans protection bill which has been produced to the Ministry of Justice.
- 15.9. The government should enforce civil authorities to establish proper infrastructural facilities and regulate services with uniformity and inclusivity to safeguard the rights of the LGBTI+ persons.
- 15.10. The government should Introduce laws to ban conversion therapies, other treatments or practices that attempt to “correct” LGBTI+ persons for their SOGIE.

- 15.11. The government should introduce laws to ban any form of virginity test and forced anal or vaginal tests, forced HIV testing.
- 15.12. The government should enforce the Domestic violence act to be inclusive and take proactive actions to address incidents of domestic violence faced by LGBTI+ persons at their homes.
- 15.13. The government should ratify C190 to ensure workplace security towards LGBTI+ individuals.
- 15.14. National Institute of Education should introduce SOGIESC on both teacher training and school curriculums to ensure comprehensive sexual education.
- 15.15. The government should establish a national level regulating body for digital media and press to regulate and overview ethical reporting.
- 15.16. The judges institute and other related groups should intervene in issuing directions to prevent courts from issuing orders against LGBTI+ individuals for a psychiatrist evaluation solely based on their SOGIE.
- 15.17. The government should establish proper infrastructure and service mechanisms to facilitate inclusivity within Prisons, Detention Centers, Rehabilitation Centers to ensure the rights of the LGBTI+ persons.

16. Annexes on Cases

Case 01: Eppawala Incident

The incident was shared based on a lesbian couple who has lived together in Eppawala Region for almost 35 years. Within this time, they have been able to gain immense community support due to their engagement with the community within the region. It was stated that the breadwinner of the couple (the partner presented herself in a more masculine way as stated by the participant in the consultation) especially engaged with the agricultural community in the region and had earned their respect due to her involvement. It was stated by the participant that the partner has died recently and the relatives from her side have created an issue with the other individual over the properties they have owned. Most of the properties were registered under the name of the partner who died as she was the individual with an income, hence the relatives have tried to retreat the property as the other individual does not have any legal say for the property which she was consuming. However, due to the respect and the position they have gained within the region, it was stated that the locals spoke supporting the individual and hence were able to retain some of the properties owned by the deceased towards the other. However, no legal support could be received as their partnership was not legally recognized within the country.

Case 02: Eppawala Sexual Harassment Incident

A young gay individual and his mother have both been sexually harassed by 10 locals in the region while running some errands. First, the guy was harassed based on his sexual orientation as he is out with his orientation. Then the mother was harassed for just being his mother. The individuals have tried to lodge a complaint with the Eppawala Police station however the complaint was not taken down by the Police due to the sexual orientation of the individual.

Case 03: Raja Rata Gami Pahana Institutional Issue

Raja Rata Gami Pahana is a regional CSO which works with sex workers and the LGBTIQ community within the North Central Province. Due to their scope of work, the Director of Raja Rata Gami Pahana, Mr Palitha stated that they found it extremely difficult to rent office space as the landlords were not comfortable renting the spaces due to the scope of work they cover. He also stated the perceptual issues that the CSO face, especially the staff, is immense. Many of the staff are verbally harassed by the locals for being staff members of the CSO. It is also said that the locals file petitions frequently (as stated by the director every other week) to police reporting that the CSO is facilitating prostitution and spreading homosexuality to society. Hence it was told by the Director that they maintain a spate file with the Police of Anuradhapura on the CSO to minimize the hindrance of investigations. However, it is also stated that there are frequent visits by the police to date to check up on the work that the CSO carry out.

Case 04: Raja Rata Gami Pahana Staff incident with Army Int

The director of Raja Rata Gami Pahana stated that a CID officer who is attached to the Army Int detained two of their staff members to question at a hotspot while providing condoms to the sex workers in April 2022. The officer questioned the staff and also verbally harassed them. The staff have tried to explain to the officer and have tried to connect him to the calls made by Mr Palitha however it was stated that the officer has rejected to answer any of the phone calls or take the staff to the police station. In the end, Mr Palitha made a call with the Regional Human Rights Commission and has been able to get the staff released. The case was documented with the Regional Human Rights Commission and Mr Palitha stated that necessary actions will be pushed from the CSO against the officer as well.

Case 05: Incident related to the STD Clinic Doctor at Anuradhapura Hospital

The director of Raja Rata Gami Pahana stated that Doctor at Anuradhapura Hospital STD Clinic has a perceptual issue concerning the LGBTIQ community members. The particular incident was faced by one of the staff members of Raja Rata Gami Pahana on 2021.02.06. The staff member was admitted to the hospital due to an accident and he visited the STD Clinic on the previous day 2021.02.05 for some office work. The doctor has come to know that he has been admitted to the hospital and was told the entire staff that he has visited that STD Clinic on the previous day hinting that more precautions are needed to be taken not only to treat him for the accident but also not to be infected by anything else based on his sexual orientation breaching the doctor's confidentiality which is required by the profession. The director stated that it is a direct violation of the ethics of the profession also it is very homophobic.

Case 06: Pasikuda Incident

In 2021 we participated in a leadership program which was organized by an NGO in Pasikuda. Due to this we had to spend a night in there. The Police in Pasikuda came to the place we stayed the night. They checked our identity cards, Phone, Bag and everything. Some of us has not yet changed our National Identity Cards, therefore as we were wearing female clothing, they started hitting us saying that we are pretending to be someone else and we are against the social norms. And also, they attacked some of us saying that they had porn videos on their phones. Since it is the night time, some of us did not wear cloths and the police took group pictures of them and also, they took photos of every one of us one by one. This incident still affects us badly as it terrifies us and we lose our sense of freedom.

Case 07: Issue with the Grama Niladhari in Batticaloa Divisional Secretariat

To get my GRC certificate, I went to get a letter from Grama Niladhari at Batticaloa Divisional Secretariat in January 2021. He stated that he cannot give a letter and can only provide one stating that I am male. He also added that he cannot make any changes on it. When I showed the medical reports regarding the process, he still stated that he has not being informed by the divisional Secretariat on it hence he is unable to provide it. Due to this I am yet to receive the required documentation to continue the procedure.

Case 08: Incident at Batticaloa Government Hospital

I am a transgender. At age 23 when my parents got to know about my gender identity, I faced many oppositions by the family. Then I was able to make them understand about myself and they started helping me to carry out my procedures. To continue with my treatments, I went to the Batticaloa Government Hospital in November 2021. This is to receive my Hormone therapy. The one who checked me told that I can take my treatments in here and also requested to have my parents visit him before commencing the treatments. I accompanied my parents the next day and the doctor stated that I have a mental illness and requested my parents to not allow me pursuing my treatments. With this my parents started resisting to the procedure again and I had to face a very hard time. I somehow managed to get admitted to the hospital however, they did not treat or check me up but asked whether I am being cured of the illness I have. I was also admitted to the men's ward which is not right at all. I tried to explain them that I should be admitted to the women's ward but they did not pay any attention to the request. I personally do not recommend the Batticaloa Government Hospital to anyone because of this. Currently I am taking my treatments at a different hospital.

Case 09: Incident at Trincomalee Government Hospital

I am a transgender. At age 26, I was admitted to the Government Hospital in Trincomalee from the 20th to the 25th of November 2021 because of a fever. While admitting me, they admitted me in Gent's word only. But it was not appropriate as I am a girl. When I explained it to the Doctor they didn't take any notice of it. Due to this, I faced much harassment and bullying during that time. Once, when I was bathing, a man hugged me from behind to know who am I. Even though I screamed and came running outside no one bothered to know what happened. I also had to share my bed with another patient due to which I felt like I lost my right to privacy and dignity.

Case 10: Incident at Trincomalee

When my friend (Transgender age 24) was talking on the street unexpectedly was subjected to bullying and was subjected to sexual harassment and bleeding due to this incident in 2019. She went to Trincomalee police station (The name of the station was unknown). They didn't accept her complaint. They only took her telephone number. When going to the hospital, they gave the treatments only after her parents come there. But when admitting my friend there, they were confused about whether to record her as a male or female. Later the police called my friend and inappropriately scolded her.

Case 11: Domestic violence

I wanted to study a beautician course. When I was getting ready to pursue the course, my mother, siblings, relatives, neighbours and everyone opposed me saying that I will change as a girl and our reputation will be gone. Therefore they refused my wish. In 2019 October month there was 6-month training and one month later they had a conversation with my teacher saying that I will not continue this training as it is unnecessary training. Then my mother broke my things which I have collected like a bird with so much care. In that situation I was sad. When no one was near me my friends forced me to carry on the rest of the training. From 2019 October to 2020 May it was a very difficult time for me.

Case 12: Police violence at Trincomalee Police Station

“Our life is a struggle” the participant said. "There are 6 members in our team. Last year 2021, in November at about 6.30 pm, when we were near the seaside (while applying lipsticks and cosmetics) the police petrol jeep came in. The officers of Trincomalee police caught us and also took our phones. The police officers saw us and told us they have come to sleep with us. Later they tortured us (asked us to sing songs and dance). They behaved in a very bad manner as they even had their trouser zips unlocked. They released us about 3 hours later.

Case 13: Police officers abusing their power

A gay man, age 32 has been arrested by Three police officers on a false charge on 17/5/2020 at the Siyambalape walking hall, sexually abused and publicized as homosexual.

Case 14: Doctor's attitude towards homosexual activities

A gay man, age 28 was verbally abused by the venereologist on 27/1/2020 at Gampaha - Negambo STD Clinic mentioning you faggot you will get HIV if you continue to be a homosexual.

Case 15: Abusing the power of public health inspectors

A transgender woman, age 25 was sexually abused and demanded bribes to release quality and safety reports for her salon during the pandemic

Case 16: Doctors' opinion toward transgender

The consultant endocrinologist in Batticaloa - Jaffna teaching hospital asked a transgender woman, age 27 to bring her parents to the appointment. On the day of 2020.03.20 during the session the doctor has scolded her father for giving permission for her transition.

Case 17: Police officers abusing their power

On 2021/10/4 a transgender woman, age 27 was struggling with the neighbors due to her identity. Once she went to make a complaint at Galle - Ambalangoda police station the police officer scolded her, not to bring "faggot cases" hereafter, and has asked her to just change the way she dresses and be like a man.

Case 18: Incident at Jayawardenapura Hospital, Galle

On 25.03.2022, The head nurse and nurses on duty in the 4th pain ward haven't allowed the patient, Trans Female (age 22) to have any visitors stating that the bottom surgery she had gone through was unnecessary. The patient was called an uneducated person and embarrassed her by speaking at her loudly in front of all other patients and staff in the ward, claiming that the surgery was an unnecessary one.

Case 19: Incident at National Institute of Mental Health, Colombo

In May 2021, when Trans Female, age 27 go to acquire the GRC (Gender Recognition Certificate) Dr Kapila and his junior doctors at the NIMH psychiatric ward accused the her of choosing to transition. They had called her mentally ill, a fraud, a criminal, and had asked her unnecessary personal questions that do not relate to her transition processes such as her bloodline and her character.

Case 20: Incident at Victim's residence

On 22.03.2022, The Police Constable who had visited the victim's (Trans Female age 31) place of residence to inspect a complaint regarding a dispute between the victim and her neighbour disregarded their call for help in the injustice she was facing. The Police Constable had focused on the outward appearance of the victim and had name-called her, threatened her and humiliated her in front of family, neighbours, and friends.

Case 21: Incident in front of Marina Mall, Colombo

On 18.03.2022, The victim (Trans Female age 28) was remanded on the basis of having a condom in possession. When she was taken into remand, she was put into the male cell. When the victim explained that she is a woman, the lady police officers have taken her to the washroom and asked her to remove her clothes and inspected her body (in the area where the sexual organs are) to check if she really is a woman. She was also insulted during the time of the arrest.

Case 22: Incident in Karaitivu

On 20.11.2021, One of the Police officers at the Karaitivu, Ampara Police Station had not treated the victim (Trans Female age 29) with respect when she went to lodge a complaint regarding an assault on her by 6 people. She was asked to put herself in danger and come back to the station with the addresses of the perpetrators who assaulted her. When she acquired the address with many struggles, the Police wanted her to forgive the perpetrators on the basis that they were from the same religion (Islam) and town. The Police had never written her complaint down even after the victim provided them with a letter from a lawyer.

Case 23: Incident of Mohammad Fatima (age: 18), an individual of the Lesbian community

I have a relationship with another girl who is one of our neighbours. When our parents found out about our relationship they didn't allow us to see each other or at least step outside the house. My parents hit me severely, especially my mother she hated me so much and scolded me saying that I am destroying the family name. My father hid my NIC so that I cannot run away from the house. We tried to elope the houses and were caught by my mother and sister. On 2021.12.06 They dragged us to the Wattala Police station and due to the argument that happened at the police station, the OIC put me in the remand cage and held me there for a few hours. I argued with my family saying that it's my life and I have the right to make decisions. As the Police could not detain me in the prison, they stated that I act violently to take me to the Ragama Hospital. A police jeep was arranged and they took me along with my mother, sister and my partner to the hospital, Since the police handed me over to the OPD, they transferred me to the psychiatric ward. After the admission, my

mother and sister have taken my partner to her place and handed her over to them. Later I got to know that she was locked inside a room and was not given any access to any communication mode. I was held in the hospital overnight and luckily the doctor who visited in the morning told me that I do not have any illness as the reason why I was admitted is being a lesbian. However, due to my issues at home, the doctor was concerned about releasing me therefore was contacted by Équité Sri Lanka on 2021.12.07. The organization visited me on the same day and the following day made arrangements to discharge me from the hospital. A police entry was also filed at Wattala Police with a Lawyer on voluntary detachment from the family. Even though I am 18 years old and went in with a Lawyer who was arranged by the organization, the police still summoned my mother to the police station and they thought the organization helped me to correct me so that I no longer will be a Lesbian. However, after filling the entry I was out of my house and received services from Équité Sri Lanka to build up my future

Case 24: Incident of Nadun Perera (age: 19), an individual of the Gay Community

Vishwa is a student who is appearing for the 2022 A / L exam. As he has already come out, he had to face various problems at school, St.Mary's College Kegalle mainly due to the article and the posts he share on his personal social media account. The teachers of St.Mary's College Kegalle have decided to solve this problem by appointing a committee using school prefects. The committee have decided to stop Vishwa's actions by beating him up, threatening to stop such behaviour and forcing him to leave school by using the influence of the presidents of different school clubs of which he is a member. As Vishwa attended this school after completing his studies up to O/L in a small school in his village he was told to leave the school and go to the place he came from without ruining the name of the school. Since there were two other students who belong to the queer community, have tried to talk the other students out of this decision However it has been futile. The committee has decided to force Vishwa to leave the school and there has been a petition for him which came to the school as well. One of the teachers of the school has asked Vishwa's mother to come to school and has read out the petition loudly in order to create uncomfortableness for both Vishwa and his mother. This issue started in 2022 and as teaching was carried out online due to corona no action was taken by the school on addressing this issue.

Case 25: The case reported on the homophobic session carried out at Kandy Police Station by Counsellor, Mrs Ama Dissanayake

Source: Daily FT on 2021.07.08

<https://www.ft.lk/news/Court-of-Appeal-allows-Equal-Ground-others-to-serve-notice-to-Police-Ama-Dissanayake-over-homophobic-training/56-726059>

“The Court of Appeal has granted permission to serve notice to Inspector General of Police C.D. Wickramaratne, Deputy Inspector General of Police of the Kandy range Chandana Alahakoon, and purported counsellor and trainer Ama Dissanayake, who conducted a training program for police officers of Kandy and Matale at the Kandy Police Auditorium, for allegedly violating the rights of and discriminating against the Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer/Questioning (LGBTIQ) community in Sri Lanka. The petition was heard by a two-judge-bench comprising of Justice Sobhitha Rajakaruna and Justice Dhammika Ganepola.

Equal Ground, Sri Lanka's oldest organisation advocating for LGBTIQ rights, with others, has filed a petition in the Court of Appeal seeking a mandate in the nature of a Writ of Prohibition against the above-mentioned respondents for conducting a training program for the Police where malicious, erroneous, and discriminatory remarks were made about the LGBTIQ community.

At the training program held in July 2021, Dissanayake claimed that homosexuals in Sri Lanka were preying on others, especially the youth, trying to make them a part of the LGBTIQ community. She asserted that being LGBTIQ was unnatural and that it went against biological and social norms on the basis that such relationships did not lead to reproduction. She then asked the participants to vocalise, loudly, that they too were against such relationships.

The Petitioners seek a Writ of Prohibition preventing Sri Lanka Police from conducting trainings, lectures, seminars, etc., that marginalise and violate the fundamental rights of LGBTIQ people in Sri Lanka. The permitting and sanctioning of vilification, dehumanisation, and condemnation of persons with different sexual orientations and gender identities/expression by law enforcement does not adhere to basic human rights standards and is in violation of Article 12 of the Constitution.

This is the first time in Sri Lanka that a case of this nature has been filed, where law enforcement has been challenged by an organisation over alleged discrimination against the LGBTIQ population in the country.

Equal Ground's research on Mapping LGBTIQ Identities in Sri Lanka (2021) shows that 12% of the adult population (18-65 years), or 1,469,574 people in Sri Lanka, identify as LGBTIQ. Meanwhile, there is documented evidence of the Sri Lankan Police's homophobic and transphobic practices. In this context, conducting such trainings only serve to exacerbate the discrimination and violence faced by the LGBTIQ community due to archaic, colonial laws still present in the Sri Lankan Penal Code.

The Sri Lanka College of Psychiatrists (SLCP) responded to Equal Ground's letter on Dissanayake's remarks at the training, condemning the erroneous statement that homosexuality was a mental/physical disease/disorder or an abnormality. "Modern-day psychiatrists do not identify or diagnose homosexuality as a mental illness or treat it as such. This myth that homosexuality is a mental illness is not in keeping with the evidence-based science practised by our membership," it said. The SLCP strongly urged the authorities to abolish the archaic laws that criminalise same-sex sexual relations between consenting adults.

President's Counsel Sanjeeva Jayawardena appeared for the petitioners."

Case 26: Incident at St.Mary's College Kegalle

In the year 2018, two students from St.Mary's College Kegalle (one 17 and one 18) as accused of having a relationship and later were confirmed based on a letter found by a teacher. The teacher was then called to a parents' meeting and read the letter in front of all the parents. Both the students and their parents have been heavily embarrassed in front of the staff and the other parents. As the two students have brought many achievements in National level competitions the teachers and the principal have refused to suspend them from school. But the staff has agreed to let a committee compiled of students and the old

boys' association of the school manage the issue with the students. The two students were harshly bullied by these parties and hence one age 17 has attempted suicide. When the other student visited him at the hospital, it has become a huge issue and was escalated both to the school and parents. As a result, the hospital in which he was treated complained to the police that the admitted student was a homosexual hence he was mentally ill. He was then transferred to the mental hospital in Angoda. Due to these issues, the two students have stopped their relationship. The case was reported to us by a third party and at present, the student who was age 18 was said to be engaging in sex work and it was also stated that there is no information with regards to the other student.

Case 27: Incident in Paliyagoda

Samanthi is a lesbian aged 28. Her family has bullied her with the realization of her relationship of her with another woman. Therefore, she has separated from her family and has started living with her parents. Samanthi's family has complained about this to the Paliyagoda Police Station. In May 2022, the family lied to her that they have forgiven her as per the instructions given by the police. Later she was locked up in the house and was kept refrained from all communications. Her partnership with the help of a community organization has been able to get in touch with the Women and Child Bureau of Makola Police Station. The officers of the Makola Police Station have helped the individuals immensely and have stated that since the individuals are above 18 years they could live separately and the family could not object. Therefore, the two individuals could live in a separate house however as the Paliyagoda Police Station is supportive of the parents, they stated that they still face issues, warnings from police and there's continuous bullying from the family.

Case 28: Incident of Lucky (age 33), an individual of the Nachchi Community.

It has gotten late when I finished dancing at a perahera (Cultural ceremony) close to Ambalangoda in July 2020. Even though I have changed my clothes, I did not have the time to take off my makeup. As it was getting late I got on a bus going to Matara and got off at Boossa Junction. When I got off the bus, I saw three policemen standing near the halt. I crossed the road and walked towards my home without looking at them. I realized they were following me. I started to go faster. Then one of them said "hey". I ran without looking back. One of them chased me. I ran as fast as I could. Then the other two got on the bike and were able to grab me. Ralahamy, who was chasing me, leaned me against a light pole and squeezed my lower abdomen. They said why are you running Ponnaya (the local term similar to Faggot), you roam to have sex isn't it? I said I ran in fear. They laughed and told me to open the bag and show it. The bag contained dance clothes. I told them it was for a perahara but they did not believe me. They said I was a male prostitute. They checked all my pockets and checked the phone. In it, the officer read the message conversation between me and another man and said I was a Ponnaya. One asked what to do and asked how much money I have. I had only 1500. That's the money I earned from dancing. I said I would give it to them and let me go. One Ralahamy asked the others what to do. Shall we have some fun? The other two said I might have STIs. Let's just bully around and take it to the police station. I cried out loud begging them not to take me to the police. Then he took me to a place where there was light and told me to dance. I danced. He asked me to sing a song and dance. I danced a Shanthi karma (Traditional Sri Lankan dance). Then he opposed, he said dance like a Ponnaya. One Ralahamy played a song on the phone

and told me to dance. I danced for about ten minutes and then they told me to give 1000 if I want to go free. I gave a thousand and got out of there.

Case 29: Incident with Religious Leader in Chilaw

The HIV Prevention Program project of the Rajarata Gamipahana Organization, GFATM, is also running in Puttalam and Chilaw areas. There they refer partners to STI clinics in Chilaw and Puttalam. On one occasion, someone who worked at the Chilaw STI clinic gave the information of several community partners who came there.

In the year 2020, a Muslim worker working at Chilaw STI Clinic informed the mosque of that area, Muslim boys are being referred for tests. The Mawlawi of the mosque in that region has intervened in this and has made threats stating to stop the services provided by the STI Clinic. The Mawlawi has also sent out thugs to threaten the organization and has publically made accusations about the work of the organization in order to spread faulty information to the public. He has also lodged a complaint with the Chilaw Police station on the matter and Police investigations have also been carried out on the organizational work. Raja Rata Gami Pahana has escalated this issue to the Human Rights Commission however they stated that the threats of the Mawlawi are still prevailing.

Case 30: Forced marriage

A gay man aged 35 from Diyathalawa has been forcefully married off by the family based on his sexual orientation. The family has regarded his sexual orientation as an illness and even before being married off he was heavily bullied by the family and has also been dragged to different counsellors and people who do black magic to cure him of his illness. Due to the pressure and continuous harassment, the individual has also attempted suicide and later agreed to marry simply to please the family. However, he has continued to have same-sex partners even after marriage. In May 2021, his wife got to know about his sexual orientation and have broken off the marriage stating that she cannot live with him under one roof. He is now living separate from his wife and he stated that he is mentally worn off due to the incidents which he had to face. He also added that he doesn't have any positive thoughts and he has lost faith in life completely.